

## Ownership - Conveyances Gap Analysis

### Ownership – Conveyances Gap Number 1: Standardized Process

“As-Is”	“To-Be”	Initial Implementation Points (Final Gaps by February 28, 2004)
<ul style="list-style-type: none"><li>Processes are not standardized nationwide.</li></ul>	<ul style="list-style-type: none"><li>Standardized application checklists are used for each type of conveyance transaction.</li><li>Application checklist information is available on an interactive CD.</li></ul>	<ul style="list-style-type: none"><li>Standardize business operating procedures for conveyances.</li><li>Develop conveyance application checklist on an interactive CD.</li></ul>
<ul style="list-style-type: none"><li>Realty staff prepares a variety of recommendation formats to the Designated Line Official regarding acceptance or denial of the conveyance application.</li></ul>	<ul style="list-style-type: none"><li>Realty staff will prepare an automated recommendation in standard format to address the background of the application and supporting documentation required to support their recommendation.</li></ul>	<ul style="list-style-type: none"><li>Standardize format for recommendation to the Designated Line Official for a decision on a conveyance transaction.</li></ul>

## Ownership – Conveyances Gap Number 2: Consolidate and Simplify Regulations

“As-Is”	“To-Be”	Initial Implementation Points (Final Gaps by February 28, 2004)
<ul style="list-style-type: none"> <li>Regulations for acquisitions and disposals are randomly interspersed throughout 25 CFR and 43 CFR, requiring Realty staff to determine which portion applies to a particular transaction.</li> </ul>	<ul style="list-style-type: none"> <li>Acquisition regulations are located under 25 CFR 151. Subparts are developed for each type of conveyance. For example:               <ul style="list-style-type: none"> <li>➤ On-Reservation Tribal</li> <li>➤ On-Reservation Individual</li> <li>➤ Mandated Acquisitions</li> <li>➤ Exchanges, Partitions, and Gift Deeds</li> </ul> </li> <li>25 CFR Part 152 and all regulations governing conveyances are updated/changed.</li> <li>References are added to 25 CFR Conveyance regulations for those regulations governing Alaska Allotments, Town sites, Forest Service, and other Public Lands. For example:               <ul style="list-style-type: none"> <li>➤ 43 CFR Subpart 2530 – Indian Allotments: General; 2531 Applications Generally; 2532 Allotments; 2533 Allotments Within National Forests; 2561 Native Allotments in Alaska; 2564 Native Townsites and 2568 Alaska Native Allotments for Certain Veterans.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Clarified and streamlined regulations at 25 CFR Part 151- Acquisitions.</li> <li>Clarified and streamlined regulations at 25 CFR Part 152- Disposals.</li> <li>Conveyances under 43 CFR are referenced in 25 CFR.</li> </ul>

Ownership – Conveyances Gap Number 3: Use of Appropriate Criteria for Conveyances

“As-Is”	“To-Be”	Initial Implementation Points (Final Gaps by February 28, 2004)
<ul style="list-style-type: none"> <li>• Lands on-reservation and off-reservation are accepted by the Secretary of the Interior in an active Trust.</li> </ul>	<ul style="list-style-type: none"> <li>• The DOI offers beneficiaries the option to receive a passive/self-directed Trust (owner managed interest) for acquisitions.</li> </ul>	<ul style="list-style-type: none"> <li>• Acquire lands into passive/self-directed trust (owner managed interest).</li> </ul>
<ul style="list-style-type: none"> <li>• Requirements for On-Reservation Fee to Trust (F-T) acquisitions are subject to rigid criteria to be taken into Trust</li> <li>• Requirements for State and local government notices are identical for On-Reservation and Off-Reservation Acquisitions</li> <li>• F-T acquisitions require that information used to evaluate the acquisitions must be sent to State and local governments for comment. (IBIA).</li> <li>• F-T acquisitions require several consecutive consultation periods.</li> </ul>	<ul style="list-style-type: none"> <li>• On-reservation acquisitions require automated notification to State and local governments with a request for comment upon receipt of a complete application.</li> <li>• Automated notification for acquisitions when published.</li> <li>• To promote tribal self-determination, on-reservation F-T acquisitions are accepted into Trust with streamlined justification criteria.</li> <li>• There are two 30-day notices; one notice at completed application stating intent to accept property into Trust and allowing time for negotiation/mediation or comment, second notice at publication.</li> </ul>	<ul style="list-style-type: none"> <li>• On-reservation notifications are limited to a 30-day negotiation/mediation period between the State and local governments and the tribe to eliminate identified jurisdictional issues.</li> <li>• No extension of time for on-reservation notification.</li> <li>• On-reservation F-T acquisition justifications are streamlined for economic development, self-determination and housing opportunities.</li> <li>• Standardize notices:               <ul style="list-style-type: none"> <li>• One notice at completed application stating intent to accept property into Trust.</li> <li>• The second notice when published.</li> </ul> </li> </ul>

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“As-Is”	“To-Be”	Initial Implementation Points (Final Gaps by February 28, 2004)
<ul style="list-style-type: none"> <li>• Preliminary and Final Title Opinions (FTO) are requested from the Solicitor who is located in another office relying on postal services to deliver and return conveyance documents.</li> </ul>	<ul style="list-style-type: none"> <li>• The Preliminary Title Opinion (PTO) will be automatically transmitted upon receipt of the complete application</li> <li>• A Solicitor is physically located at appropriate geographical areas to provide assistance for PTO's and FTO's and on any other issue involving Indian lands within the Region.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the Solicitor with automated capability to receive and transmit PTO's and FTO's.</li> </ul>
<ul style="list-style-type: none"> <li>• Government to Government acquisitions of land processed by the Office of Property Management with minimal involvement from Real Estate Services.</li> </ul>	<ul style="list-style-type: none"> <li>• Government to Government acquisitions of land are processed entirely by the Office of Property Management.</li> <li>• Accountability resides in one organization to efficiently complete Government to Government acquisitions.</li> </ul>	<ul style="list-style-type: none"> <li>• Move accountability for Government to Government acquisitions to the Office of Property Management.</li> </ul>